

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

<b>NATIONWIDE PROPERTY &amp; CASUALTY INSURANCE COMPANY,</b> As subrogee of Matthew Storm,  <i>Plaintiff,</i>  <b>VS.</b>  <b>GENERAL MOTORS LLC,</b>  <i>Defendant.</i>	§ § § § § § § § § §	(Removed from the 122nd Judicial District Court, Galveston County, Texas; Cause No. 12-CV-2300)   <b>CIVIL ACTION No. _____</b>
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**DEFENDANT GENERAL MOTORS LLC'S  
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, defendant General Motors LLC respectfully gives notice of the removal of the above-captioned cause from the 122nd Judicial District Court, Galveston County, Texas, Cause No. 12-CV-2300, to the United States District Court for the Southern District of Texas, Galveston Division.

1. On or about October 19, 2012, plaintiff Nationwide Property & Casualty Insurance Company, as subrogee of Matthew Storm, filed an Original Petition and Request for Disclosures in the 122nd Judicial District Court, Galveston County, Texas, Cause No. 12-CV-2300, naming General Motors LLC as the defendant.

2. Defendant General Motors LLC was served with the summons and Original Petition and Request for Disclosures on November 2, 2012.

3. The above-captioned cause is a civil subrogation action brought by the plaintiff to recover damages it paid to its insured arising from a fire which caused damage to the insured's

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vehicle and residence. The plaintiff alleges the fire was caused by a defect in the vehicle and that the defendant is liable.

4. This Court has original jurisdiction over this civil action based on diversity of citizenship jurisdiction pursuant to 28 U.S.C. § 1332, and it may be removed to this Court pursuant to 28 U.S.C. § 1441(a) because:

a. This action involves a controversy arising between citizens of different states, in that:

(i) Upon information and belief, plaintiff Nationwide Property & Casualty Insurance Company is now, and was at the time of the commencement of this action, an Ohio corporation with its principal place of business in the State of Ohio, and is a citizen of the State of Ohio.

(ii) Defendant General Motors LLC is now, and was at the time of the commencement of this action, a Delaware limited liability company with its principal place of business in the State of Michigan, and is a citizen of the States of Delaware and Michigan.

b. Based on information and belief, the amount in controversy in this action exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

5. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441(a).

6. This Notice of Removal is filed within thirty (30) days after receipt by defendant of papers from which it could first be ascertained that the case is one which is or has become

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removable, pursuant to 28 U.S.C. § 1446(b)(3), and within one (1) year after commencement of this action, pursuant to 28 U.S.C. § 1446(c)(1).

7. Galveston County is within the territorial jurisdiction of the United States District Court for the Southern District of Texas, Galveston Division.

8. Pursuant to 28 U.S.C. § 1446(a), 28 U.S.C. § 1446(d), and Local Rule 81, the following are attached hereto: an index of matters, the State Court Docket Sheet, copies of all processes, pleadings, and orders served upon defendant General Motors LLC in the state court action, an identification of parties, an identification of all counsel of record, an identification of the state court where the action is pending, a copy of a Notice of Filing Notice of Removal (without exhibits) which defendant General Motors LLC will promptly file in the state court action, and a Civil Cover Sheet.

9. Defendant General Motors LLC will promptly serve written notice of the filing of this Notice of Removal on all adverse parties to this action.

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the 122nd Judicial District Court, Galveston County, Texas.

11. Pursuant to 28 U.S.C. § 1357, defendant General Motors LLC requests this court to exercise supplemental jurisdiction over the remaining claims and causes of action, if any, as pled or that may be pled by the plaintiff herein.

WHEREFORE, defendant General Motors LLC requests that the action pending against it in the 122nd Judicial District Court, Galveston County, Texas, and bearing Cause No. 12-CV-2300, be removed to the United States District Court for the Southern District of Texas, Galveston Division, and that this Court assume jurisdiction of the matter pursuant to diversity of

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citizenship jurisdiction of this Court and exercise its supplemental jurisdiction over any additional claims as pled or that may be pled herein. Defendant further prays that this Court enter such orders and issue such process as may be necessary to bring before it copies of all records and proceedings presently pending in state court, and for such other and further relief, both in law and equity, to which it may show itself to be justly entitled.

Respectfully submitted,

**WHITE SHAVER**  
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By: (s) Jeffery Shaver  
JEFFERY SHAVER  
State Bar No. 18135850  
ADAM B. ALLEN  
State Bar No. 24038738

**ATTORNEYS FOR DEFENDANT  
GENERAL MOTORS LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and forgoing was furnished to opposing counsel in accordance with the Texas Rules of Civil Procedure on this the 21<sup>st</sup> day of March, 2013.

(s) Jeffery Shaver  
JEFFERY SHAVER

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General Motors LLC (Matthew Storm)/Pleadings/Notice of Removal

**CERTIFICATE OF CONFERENCE**

I certify that prior to the filing of Defendant General Motors LLC's Notice of Removal, plaintiff's counsel was contacted by telephone with message regarding removal. Defendant did not receive a return call regarding the subject matter of this notice, and therefore assumes that he is not agreeable to the removal of this cause to the United States District Court for the Southern District of Texas, Galveston Division.]

(s) Jeffery Shaver  
JEFFERY SHAVER